

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

JENNIFER D. COX,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00076

RALEIGH GENERAL HOSPITAL, LLC,
a limited liability company, and
ALDRINA ARCHIE, an individual,

Defendants.

ORDER

Pending before the Court is Defendant Raleigh General Hospital’s (the “Hospital”) Motion for Leave to Amend Notice of Removal. (ECF No. 28.) The Hospital moves the Court to grant its motion to cure a scrivener’s error. (*Id.* at 1.) The Hospital offers that the error occurred where it identified “Lifepoint Health, Inc.” as its sole member, rather than “Lifepoint WV Holdings, Inc.” (*Id.* at 2, ¶4.) The Hospital asserts that it timely removed this action on the basis of diversity jurisdiction, that complete diversity existed at the time of removal and exists now, and that correction of the error will not prejudice any party to amend the notice. (*Id.* at 1–2.) Plaintiff did not file a response to this motion.

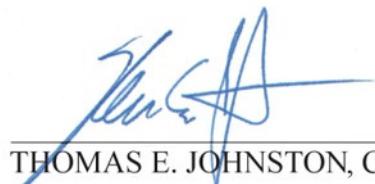
Defective allegations may be amended to correct “incorrect statements about jurisdiction that actually exists, and not defects in the jurisdictional facts themselves.” *Newman-Green, Inc., v. Alfonzo Larrain*, 490 U.S. 826, 831 (1989). Here, correcting the scrivener’s error does not change any fact concerning diversity, as both entities are Delaware corporations with a principal

place of business in Tennessee. (ECF No. 28 at 2, ¶ 4.) Therefore, for good cause shown, the Court **GRANTS** the Hospital's motion and shall file its Amended Notice of Removal forthwith.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 31, 2022



THOMAS E. JOHNSTON, CHIEF JUDGE